

SENATE BILL REPORT

HB 1064

As Passed Senate, April 7, 2017

Title: An act relating to removing expiration dates, obsolete dates, and an outdated statutory reference from the enforcement provisions of the underground utility damage prevention act.

Brief Description: Removing expiration dates, obsolete dates, and an outdated statutory reference from the enforcement provisions of the underground utility damage prevention act.

Sponsors: Representatives Morris, Smith, Doglio and Hudgins; by request of Utilities & Transportation Commission.

Brief History: Passed House: 2/01/17, 97-0.

Committee Activity: Energy, Environment & Telecommunications: 3/09/17, 3/09/17 [DP].

Floor Activity:

Passed Senate: 4/07/17, 47-0.

Brief Summary of Bill

- Removes obsolete deadlines and statutory references.
- Makes the enforcement provisions permanent by removing the December 31, 2020, expiration date.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Majority Report: Do pass.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown, Hobbs, Honeyford, Ranker, Short and Wellman.

Staff: Kelsey Morfitt (786-7407)

Background: Underground Utilities Damage Prevention Act (Act). In 1984, the Legislature enacted the Act, also known as the Call Before You Dig Law (Dig Law), to protect underground facilities—pipes, conduits, cables, wires, and sewers—from damage and assign responsibilities for locating and record keeping of facilities, as part of a comprehensive damage prevention program.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Act requires anyone excavating to call the statewide, nonprofit 8-1-1 one-number locator service before digging begins to locate and mark all underground utilities. In 2011, the Act was amended to require reporting of all damage to underground utility facilities, provide the Utilities and Transportation Commission (Commission) with authority to take enforcement action for violations, develop a stakeholder process to review violations, and encourage better excavation practices. Among other provisions, the legislation, which took effect on January 1, 2013:

- required facility operators to subscribe to a one-call locator service;
- increased penalties for violations;
- authorized the Commission and the Washington State Attorney General's Office (AGO) to enforce violations by assessing civil penalties, or other remedial actions; and
- created a Safety Committee to promote safe excavation practices and review complaints of alleged violations.

Safety Committee. The Commission is authorized to contract with a one-number locator service to create a Safety Committee. The purpose of the Safety Committee is to: (1) advise the Commission and other state agencies, the Legislature, and local governments on best practices and training to prevent damage to underground utilities and policies to enhance worker and public safety; and (2) review complaints alleging violations involving practices related to underground facilities.

The Commission's authority to contract with a one-number locator service and the Safety Committee expires on December 31, 2020.

Enforcement of Civil Penalties. The Commission and the AGO may enforce the Dig Law. The Commission and the AGO's authority to enforce the Dig Law expires on December 31, 2020.

Summary of Bill: The expiration date of December 31, 2020, is removed for the (1) Commission to contract with the one-number locator service, (2) enforcement of the Dig Law by the Commission and the AGO, and (3) Safety Committee.

An outdated statutory reference and obsolete references to January 1, 2013, are also removed.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill removes a six-year performance review, and no one testified against this bill in the House.

Persons Testifying: PRO: Lauren McCloy, UTC.

Persons Signed In To Testify But Not Testifying: No one.